

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

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v.

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JONATHON WHITLEY,

Crim. No. 18-526 PJM

Defendant.

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MEMORANDUM OPINION AND ORDER

On November 1, 2018, Jonathon Whitley pled guilty to one count of conspiracy to distribute and possess with intent to distribute more than 100 kilograms of marijuana in violation of 21 U.S.C. § 841(b)(1)(B). On May 20, 2019, the Court sentenced him to the mandatory minimum of 60 months of imprisonment, with credit for time served. He is currently serving his sentence at FCI Fort Dix and his projected release date is March 16, 2022.

On January 25, 2021, Whitley filed a *pro se* motion for compassionate release. The Office of the Federal Public Defender thereafter declined to seek representation on Whitley's behalf, and the Court directed the Government to respond to the *pro se* motion. On July 1, 2021, the Government filed a response in opposition to Whitley's request.

Whitley seeks compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A), which requires him to demonstrate "extraordinary and compelling reasons" to justify such relief. In support of his request, he states that (1) the COVID-19 pandemic "caused the [Residential Drug Abuse] Program to be suspended," causing him to fall "multiple month[s]" behind schedule; (2) since January 4, 2021, "more than 700 inmates" and "over 50 staff member[s]" at FCI Fort Dix had been infected with COVID-19; and (3) his "father's health has deteriorated due to stomach cancer."

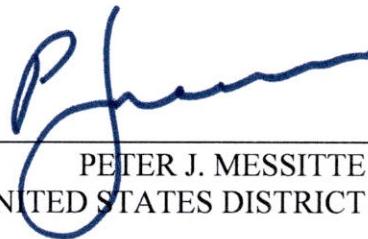
The Government urges the Court to deny Whitley's motion because he fails to present any extraordinary and compelling reasons that would justify his release. The Court agrees that he has failed to meet his high burden for compassionate release.

As an initial matter, the mere fact that Whitley has not been able to participate in the RDAP program as a result of the Bureau of Prison's pandemic response measures does not justify release. With regard to his medical risk, Whitley has not asserted that he suffers any medical condition that might increase his personal risk of complications from COVID-19. He also declined to receive the COVID-19 vaccine when he had an opportunity to do so on March 22, 2021. Finally, although the Court is sympathetic as to the declining health of his father, Whitley does not qualify for release based on his family circumstances.

Accordingly, it is, this 3rd day of August 2021,

ORDERED

1. The Motion for Compassionate Release (ECF No. 21) is **DENIED**.
2. The Motion to Seal (ECF No. 28) is **GRANTED**.



PETER J. MESSITTE
UNITED STATES DISTRICT JUDGE